

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

MARCUS BECERRA, NATALIE  
CIEBRANT, PHILLIP DIETRO, and  
ARIEL GONZALEZ, on behalf of  
themselves, all others similarly situated,  
and as “aggrieved employees” under the  
California Labor Code Private Attorneys  
General Act,

Plaintiffs,

v.

RADIOSHACK CORPORATION, and  
DOES 1 through 10 inclusive,  
Defendants.

Case No.: 11-3586 YGR

**CLASS ACTION**

**ORDER GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

The Court, having granted preliminary approval of class action settlement on October 22, 2013, directed notice of the proposed settlement to all Class Members, having read and considered the Plaintiffs’ Motion for Final Approval of Settlement and all supporting papers, including Defendant RadioShack Corporation’s Non-Opposition to Plaintiff’s Motion for Final Approval of Class Settlement, and upon consideration of argument presented on March 18, 2014, and with GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1           1.       The Court hereby finds that the notice of settlement, which was mailed to  
2 all Class Members<sup>1</sup> as previously ordered by the Court, described the terms of the  
3 proposed Settlement, provided the date of the fairness hearing, the manner in which Class  
4 Members could object to or participate in the settlement, and the manner in which Class  
5 Members could opt out of the class. The Court finds that it was the best notice  
6 practicable under the circumstances, and complied fully with Federal Rule of Civil  
7 Procedure 23(c)(2)(B) and 23(e)(1), due process and all other applicable laws. The Court  
8 further finds that a full and fair opportunity has been afforded to all Class Members to  
9 participate in the proceedings convened to determine whether the proposed Settlement  
10 should be given final approval. No objection was filed to the Settlement and no Class  
11 Member opted out of the Settlement. No statements in opposition to the settlement were  
12 made at the hearing on March 18, 2014. Accordingly, the Court hereby determines that  
13 all Class Members are bound by this Judgment and Final Order.

14           2.       The Court finds that the Settlement is fair, reasonable, and adequate in all  
15 respects, and is the product of good faith, arm's length negotiations between the parties,  
16 and fully complies with all applicable provisions of law. Accordingly, the Court hereby  
17 finally and unconditionally approves the Settlement, and specifically:

18               a.     Approves the Maximum Settlement Amount of \$525,000 as fair,  
19 reasonable, and adequate. Within the deadline set forth in the Joint Stipulation for  
20 Settlement of Class Action, Defendant shall deposit with the Claims Administrator the  
21 amount required to fund all payments required by this Judgment and Final Order;

22               b.     Approves that \$6,000 of the Maximum Settlement Amount be  
23 allocated to resolve PAGA claims, and that under Labor Code section 2699(i), 75% of  
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25 <sup>1</sup> As set forth in this Court's Order granting preliminary approval as well as the  
26 Settlement Stipulation, the settlement class is defined as: "All current and former  
27 employees of Defendant who worked at a kiosk located within a Target retail store in  
28 California at any time during the period September 21, 2009 through April 30, 2013,  
inclusive." (*See* Dkt. Nos. 77, 78-2 at ¶ 6; 79 at 5.)

1 that amount, or \$4,500, be paid to the California Labor and Workforce Development  
2 Agency;

3 c. Approves that \$3,000 each be paid to the Named Plaintiffs and Class  
4 Representatives Becerra, Ciebrant, Dietro, and Gonzalez as a service award, which is  
5 justified by the time and effort expended by the Named Plaintiffs on behalf of the class  
6 and risk they assumed in bringing this action;

7 d. Approves Class Counsel's attorneys' fee request of \$169,356.20  
8 which represents less than Class Counsel's actual lodestar, which was \$219,175.00 as of  
9 December 31, 2013;

10 e. Approves Class Counsels' request for reimbursement of litigation  
11 expenses of \$8,643.80;

12 f. Approves payment to Simpluris, the Claims Administrator, of  
13 \$10,500 as costs and expenses of settlement administration;

14 g. Approves payment from the settlement fund of amounts determined  
15 by the Claims Administrator to be due to Class Members as specified in the Joint  
16 Stipulation for Settlement of Class Action.

17 3. This Judgment and Final Order shall have a res judicata effect and bar  
18 each Named Plaintiff and each Class Member from bringing any action asserting any  
19 "Released Claims" as the term is defined in the Joint Stipulation for Settlement of Class  
20 Action. (*See* Dkt. No. 78-2 ¶¶ 21-26.)

21 4. This Court shall retain jurisdiction to enforce the terms of the Joint  
22 Stipulation for Settlement of Class Action.

23 5. The Clerk of the Court shall enter Judgment in accordance with this  
24 Judgment and Final Order.

25 6. This action shall be **DISMISSED WITH PREJUDICE**.  
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1 **IT IS SO ORDERED.**

2  
3 Dated: March 26, 2014

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HON. YVONNE GONZALEZ ROGERS  
United States District Court Judge